

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

THOMAS L. BEAUCHAMP, II, DANA)	No. ED102269
BUCKLEY, CRAIG SULLIVAN and)	
PROFESSIONAL FIREFIGHTERS OF)	
EASTERN MISSOURI, INTERNATIONAL)	Appeal from the Circuit Court of
ASSOCIATION OF FIREFIGHTERS)	St. Louis County
LOCAL 2665, Respondents,)	
)	Honorable Mary E. Ott
vs.)	
)	
MONARCH FIRE PROTECTION)	
DISTRICT, ROBIN HARRIS, JANE)	
CUNNINGHAM and STEVE SWYERS,)	
Appellants.)	Filed: October 13, 2015

The Monarch Fire Protection District and its Board of Directors (collectively, Monarch) appeal the judgment granting the petition for writ of mandamus and application for injunction filed by Thomas Beauchamp, Dana Buckley, Craig Sullivan, and the Professional Firefighters of Eastern Missouri, Local 2665 (collectively, Petitioners). Monarch claims the trial court erred in issuing the writ of mandamus and permanent injunction because: (1) Petitioners failed to demonstrate that Monarch had a “clear, unequivocal, ministerial duty to promote an employee to captain”; (2) the trial court improperly relied upon extrinsic evidence in construing the parties’ collective bargaining agreement; (3) Petitioners failed to establish the existence of a vacant captain position; and (4) Petitioners had adequate, alternative remedies and they failed to demonstrate the likelihood of irreparable harm.

REVERSED AND REMANDED.

Division Four Holds: The trial court erred in granting the extraordinary remedy of mandamus relief because “[m]andamus is not an available remedy for an alleged breach of contract” and Petitioners had available adequate, alternative remedies. State ex rel. Capitol Queen & Casino, Inc. v. Mo. Gaming Comm’n, 926 S.W.2d 55, 58 (Mo.App.W.D. 1996) (quotation omitted). Likewise, the trial court erred in entering the permanent injunction because the record contained no evidence of the lack of an adequate remedy at law.

Opinion by: Patricia L. Cohen, J.
Sherri B. Sullivan, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellants: Robert W. Stewart
Attorney for Respondents: Richard A. Barry, III

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.